

JUDGE WALTER E. CRAIG

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BY <i>[Signature]</i> DEPUTY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,)

Plaintiffs,)

v.)

STATE OF WASHINGTON, et al.,)

Defendants.)

Civil No. 9213--Phase I

REQUEST FOR DETERMINATION
RE: EQUITABLE ADJUSTMENT
FOR 1982 GRAYS HARBOR
COHO AND CHUM

The Quinault Indian Nation requests a determination of its entitlement to an equitable adjustment for Grays Harbor coho and chum as follows:

Coho 3,501

Chum 9,141.

The Quinault Nation further requests that unless otherwise agreed by the parties the Court order the equitable adjustment be made up in 1983.

This request is based on the following facts. Nontreaty fisheries harvested more than 50% of the harvestable Grays Harbor origin coho in 1983 taking at least 32,523 fish, compared to a treaty harvest of 29,022 fish. The nontreaty overharvest of coho resulted in a catch imbalance of at least 3,501 coho.

Because coho are also harvested during the Grays Harbor chum

REQUEST FOR DETERMINATION 1

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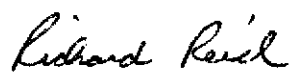
1 fishery, the nontreaty coho overharvest prevented the Quinault
2 Nation from harvesting its full share of Grays Harbor chum.
3 As a result, the nontreaty harvest of 33,564 chum exceeded the
4 Quinault harvest by 9,141 fish.

5 On November 17, 1982 a Fisheries Advisory Board meeting was
6 held to consider whether coho sport fishery should be allowed to
7 continue given the nontreaty overharvest of coho. At that Board
8 meeting the State and Quinault Nation agreed that, "[e]quitable
9 adjustment discussions and implementation procedures for both
10 coho and chum be started as early as final catch data for 1982
11 become available...." FAB 82-42 at 6. .

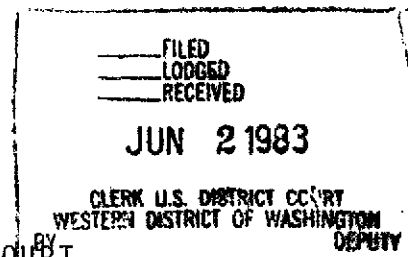
12 Attempts to reach agreement on an equitable adjustment for
13 the 1982 season have been unsuccessful. The Quinault Indian
14 Nation therefore requests that the Court determine the tribe's
15 entitlement to an equitable adjustment as set forth above.

16 Dated this 31st day of May, 1983.

17 Respectfully submitted,

18 
19 _____
20 Richard Reich
21 Attorney for Quinault
22 Nation
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JUDGE WALTER E. CRAIG



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
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CERTIFICATE OF SERVICE

I certify that on May 31, 1983 I caused copies of this Certificate of Service and of the accompanying Request for Determination Re: Equitable Adjustment for 1982 Grays Harbor Coho and Chum to be mailed by first class mail, postage prepaid and properly addressed to Judge Walter E. Craig and to each of the attorneys of record listed on the attached service list.

Dated this 31st day of May, 1983.

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Richard Reich
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1 UNITED STATES v. WASHINGTON, No. 9213, Phase I and Phase II, W.D. Wash.

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